

2013 DRAFTING REQUEST

Bill

Received: 10/3/2013	Received By: mgallagh
Wanted: As time permits	Same as LRB: -3828
For: Chad Weininger (608) 266-5840	By/Representing: Kirsten
May Contact:	Drafter: mgallagh
Subject: Occupational Reg. - prof lic	Addl. Drafters:
	Extra Copies: MED

Submit via email: **YES**
 Requester's email: **Rep.Weininger@legis.wisconsin.gov**
 Carbon copy (CC) to: **michael.gallagher@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Acupuncture certificate for chiropractors

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	mgallagh 10/23/2013	evinz 10/23/2013	jfrantze 10/3/2013	_____	lparisi 10/3/2013		State
/1	mgallagh 1/28/2014	evinz 1/28/2014	rschluet 10/23/2013	_____	lparisi 10/23/2013	lparisi 10/31/2013	State
/2			jfrantze 1/28/2014	_____	mbarman 1/28/2014	mbarman 1/28/2014	State

FE Sent For:

→ A+
Intro.

<END>

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Jb 1/28

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FE Sent For:		1 eev 10/23/13	1 eev 10/23/13 <END>	J 5m p230			

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/P1	mgallagh	1/pl eev 10/3/13	1/pl eev 10/3/13	Re 10/3			

FE Sent For:

<END>

Gallagher, Michael

From: Reader, Kirsten
Sent: Wednesday, September 11, 2013 12:22 PM
To: Gallagher, Michael
Subject: Weininger legislative request
Attachments: chiro bill.pdf

Hi, Mike:

I've attached drafting instructions for legislation Representative Weininger would like drafted relating to chiropractors.

Thanks, and please let me know any questions,

Kirsten Reader
Research Assistant
Office of Representative Chad Weininger
125 West, State Capitol
608-266-5840 / Kirsten.Reader@legis.wisconsin.gov

Item 1. A

WCA Proposed Legislation Wis. Stat. Chapter 446**Chiropractic Acupuncture****446.01 Definitions.****446.01(2) "Practice of Chiropractic" means**

(a) To examine into the fact, condition, or cause of departure from complete health and proper condition of the human; to treat without the use of drugs as defined in s. 450.01(1) or surgery; to practice acupuncture as defined in s. 451.01(1) as long as the chiropractor has been issued a certificate under s. 446.02(2)(d); to counsel; to advise for the same for the restoration and preservation of health or to undertake, offer, advertise, announce or hold out in any manner to do any of the aforementioned acts, for compensation, direct or indirect or in expectation thereof; and

446.02 Chiropractic Regulated

446.02(2)(d) The examining board shall issue a certificate to a chiropractor who is licensed under this chapter, who submits satisfactory evidence that within the previous five years, the chiropractor has accomplished all of the following:

1. 100 hours of instruction in acupuncture taken at or recognized by one of the chiropractic colleges whose students are currently eligible to take the National Board of Chiropractic Examiners examination or a college or university accredited by an accrediting body recognized by the United States Department of Education; and
2. Successful completion of the Acupuncture Exam issued by the National Board of Chiropractic Examiners.
3. Pays a one-time certification fee of \$100.00.

446.02(4) The renewal date for all licenses granted by the examining board or certificate granted under sub. (2)(d) is specified under s. 440.08(2)(a), and the renewal fee for such licenses or certificate is determined by the department under s. 440.03(9)(a).

446.02(6s) To be eligible for renewal of the certificate issued under sub. (2)(d), a chiropractor must acquire annually at least 2 hours of continuing education in acupuncture related subjects that are approved by the examining board in accordance with 446.028, Wis. Stats. This subsection does not apply to a chiropractor licensed under this chapter who is certified as an acupuncturist under ch. 451, Wis. Stats and complies with the requirements of that chapter.

WHD/9407224.3

1 | Page

Item 1.b

446.04 Unprofessional Conduct

446.04(6) Use of unsanitary or unsafe equipment as it relates to the utilization of chiropractic acupuncture.

440.08 Credential Renewal

440.08(2)(a)(24b) Chiropractor's Certificate for Acupuncture: December 15 of each even-numbered year.



Leev

PF

3340/pi

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

D-Note

gen cat

1 AN ACT *relating to*: chiropractor registration to practice acupuncture.

Analysis by the Legislative Reference Bureau

Under current law, a person generally may not practice acupuncture in Wisconsin unless the person is an acupuncturist certified by the Department of Safety and Professional Services (DSPS). Under this bill, a chiropractor who is licensed for the practice of chiropractic by the Chiropractic Examining Board (board) may practice acupuncture without being certified by DSPS if the board registers the licensed chiropractor to practice acupuncture. Under the bill, the board may register a licensed chiropractor to practice acupuncture if the chiropractor does all of the following:

1. Applies to the board for registration to practice acupuncture.
2. Submits evidence satisfactory to the board that the licensed chiropractor has completed at least 100 hours of instruction in acupuncture at a college of chiropractic approved by the board or at an accredited college or university.
3. Successfully completes the acupuncture examination administered by the National Board of Chiropractic Examiners.
4. Pays a one-time registration fee of \$100.

Under the bill, once registered by the board to practice acupuncture, a licensed chiropractor must complete at least two hours of continuing education in acupuncture annually.

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 440.08 (a) 24d. of the statutes is created to read:

440.08 (a) 24d. Chiropractor registration to practice acupuncture: December 15 of each even-numbered year.

SECTION 2. 446.01 (1a) of the statutes is created to read:

446.01 (1a) "Acupuncture" has the meaning given in s. 451.01 (1).

SECTION 3. 446.01 (1b) of the statutes is created to read:

446.01 (1b) "Acupuncturist" has the meaning given in s. 451.01 (2).

SECTION 4. 446.01 (2) (a) of the statutes is amended to read:

446.01 (2) (a) To examine into the fact, condition, or cause of departure from complete health and proper condition of the human; to treat without the use of drugs as defined in s. 450.01 (10) or surgery; to counsel; to practice acupuncture if the acupuncturist is registered under s. 446.023; to advise for the same for the restoration and preservation of health or to undertake, offer, advertise, announce, or hold out in any manner to do any of the aforementioned acts, for compensation, direct or indirect or in expectation thereof; and

History: 1975 c. 383; 1977 c. 418 s. 929 (41); 1985 a. 146 s. 8; 2009 a. 28.

SECTION 5. 446.023 of the statutes is created to read:

446.023 Chiropractor registration to practice acupuncture. (1)

DEFINITION. In this section, "licensed chiropractor" means a person who is licensed by the examining board to engage in the practice of chiropractic.

(2) REGISTRATION REQUIRED. (a) Except as provided under par. (b), no licensed chiropractor may practice acupuncture unless he or she is registered by the examining board under this section.

***NOTE: I used registration instead of certification to minimize the potential for confusion with the acupuncturist certification under ch. 451. Is that okay?

(b) No registration is required under this section for any of the following:

1. A licensed chiropractor who is an acupuncturist certified under ch. 451.

2. A licensed chiropractor who is assisting an acupuncturist registered under this section or certified under ch. 451 under the direct supervision of the acupuncturist.

3. A licensed chiropractor who practices acupuncture as part of a supervised course of study or residency program in acupuncture that is approved by the examining board.

S. 451.02 (2) ***NOTE: I borrowed subs. 2. and 3. for the most part from the exclusions under ch. 451. Are these exclusions consistent with your intent?

(c) The examining board shall register a licensed chiropractor under this section who does all of the following:

1. Submits an application for registration to the examining board on a form provided by the examining board.

2. Submits evidence satisfactory to the examining board that the licensed chiropractor has completed at least 100 hours of instruction in acupuncture at a college of chiropractic approved by the examining board or at a college or university accredited by an accrediting agency that is recognized by the secretary of the federal department of education.

***NOTE: Rather than using language indicating the college of chiropractic must have students currently eligible to take the chiropractic examination administered by the National Board of Chiropractic Examiners, I used language that mirrors s. 446.02 (2) (b) 2. ("Has graduated from a college of chiropractic approved by the examining board."). Is that change okay?

451.02 (2)
and (3)

1 3. Successfully completes the acupuncture examination administered by the
2 National Board of Chiropractic Examiners.

3 4. Pays a registration fee of \$100.

4 (3) REGISTRATION RENEWAL. (a) The renewal date for a registration under this
5 section is specified under s. 440.08[✓] (2) (a). There is no renewal fee.

 ****NOTE: I did not include a renewal fee because the drafting instructions specify
that the \$100 initial registration fee is a "one-time" fee. Is the absence of a renewal fee
consistent with your intent?

6 (b) A licensed chiropractor registered under this section[✓] shall, at the time that
7 he or she applies for renewal of a registration under par.[✓] (a), submit evidence
8 satisfactory to the examining board that he or she has completed at least 2 hours
9 annually of continuing education in an acupuncture-related program approved by
10 the examining board under s. 446.028[✓].

11 [✗]
SECTION 6. 446.03 (intro.) of the statutes is amended to read:

12 **446.03 Reprimand; revocation, limitation, or suspension of a license or**
13 **certificate.** (intro.) The examining board, by order, may reprimand a licensee,
14 certificate holder, or registrant and may deny, limit, suspend or revoke any license,
15 certificate, or ~~certificate of registration~~ if the licensee, certificate holder, or registrant
16 does any of the following:

History: 1977 c. 29, 125, 418; 1981 c. 334 s. 25[✗] (1); 1981 c. 380; 1983 a. 289; 1991 a. 39; 2009 a. 28.

17 SECTION 7. 446.03 (1) of the statutes is amended to read:

18 446.03 (1) Obtains the license, certificate, or ~~certificate of registration~~ through
19 error or fraud.

History: 1977 c. 29, 125, 418; 1981 c. 334 s. 25[✗] (1); 1981 c. 380; 1983 a. 289; 1991 a. 39; 2009 a. 28.

20 SECTION 8. 446.04 (2) of the statutes is amended to read:

21 446.04 (2) Loaning of a chiropractic license or certificate, or of a registration
22 issued under s. 446.023[✓], to anyone.

History: 1979 c. 162, 337, 355; 1987 a. 264, 1991 a. 207, 315; 2009 a. 28.

1 **SECTION 9.** 446.04 (4) of the statutes is amended to read:

2 446.04 (4) Splitting or dividing any fee for chiropractic service, including a
3 service rendered under s. 446.023,^v with any person except an associate licensed
4 chiropractor.

History: 1979 c. 162, 337, 355; 1987 a. 264, 1991 a. 207, 315; 2009 a. 28.

SECTION 10. 446.04 (6) of the statutes is created to read:

6 446.04 (6) Use of unsanitary or unsafe acupuncture equipment.

7 **SECTION 11.** 446.05 (1) of the statutes is amended to read:

8 446.05 (1) Subject to the rules promulgated under s. 440.03 (1), the examining
9 board may make investigations and conduct hearings in regard to the conduct of any
10 licensed chiropractor who, it has reason to believe, violated s. 446.02, [✓]446.023, or
11 446.03. The person complained against may proceed to review any action of the
12 examining board under ch. 227.

History: 1977 c. 418; 1997 a. 191, 237; 2009 a. 28.

SECTION 12. 451.02 (1) of the statutes is amended to read:

14 451.02 (1) An individual holding a license, permit, registration, or certificate
15 under ch. 441, 446, 447, 448, or 449 who engages in a practice of acupuncture that
16 is also included within the scope of his or her license, permit, registration, or
17 certificate.

History: 1989 a. 31, 336.

18 (END)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3134/P1dn

MPG:.....

Leev

date

3340/P1

Representative Weininger:

Please review this draft carefully to ensure that it is consistent with your intent.

In addition to my questions in drafter's notes embedded in the draft, I have several questions:

1. Do you want to include a delayed effective date to give the Chiropractic Examining Board (board) time to implement the registration program?
2. Do you want to require the board to promulgate rules to implement the registration program?
3. Do you want to include the practice of acupuncture for purposes of the exclusion under s. 446.02(9) (b)?
4. Under s. 632.87 (3) (a), a disability insurance policy may not exclude diagnosis and treatment of a condition by a chiropractor within the scope of the chiropractor's license if the policy would otherwise cover the same diagnosis and treatment of a physician or osteopath. Do you want to include acupuncture treatment administered by a chiropractor as a covered service for purposes of s. 632.87 (3) (a)?
5. Section 632.87 (3) (b) establishes specific restrictions and requirements for the insurer on a disability insurance policy that covers the services of a chiropractor within the scope of his or her license. Do you want to include acupuncture administered by a chiropractor for purposes of those restrictions and requirements? See also s. 632.875.
6. Section 895.453 requires payment for chiropractic services from attorney contingency fees, provided that certain conditions are met. Do you want to include acupuncture administered by a chiropractor for purposes of that requirement?

Please do not hesitate to contact me with any questions.

Thank you.

Michael Gallagher
Legislative Attorney
Phone: (608) 267-7511
E-mail: michael.gallagher@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3340/P1dn
MPG:eev:ev

October 3, 2013

Representative Weininger:

Please review this draft carefully to ensure that it is consistent with your intent.

In addition to my questions in drafter's notes embedded in the draft, I have several questions:

1. Do you want to include a delayed effective date to give the Chiropractic Examining Board (board) time to implement the registration program?
2. Do you want to require the board to promulgate rules to implement the registration program?
3. Do you want to include the practice of acupuncture for purposes of the exclusion under s. 446.02 (9) (b)?
4. Under s. 632.87 (3) (a), a disability insurance policy may not exclude diagnosis and treatment of a condition by a chiropractor within the scope of the chiropractor's license if the policy would otherwise cover the same diagnosis and treatment by a physician or osteopath. Do you want to include acupuncture treatment administered by a chiropractor as a covered service for purposes of s. 632.87 (3) (a)?
5. Section 632.87 (3) (b) establishes specific restrictions and requirements for the insurer on a disability insurance policy that covers the services of a chiropractor within the scope of his or her license. Do you want to include acupuncture administered by a chiropractor for purposes of those restrictions and requirements? See also s. 632.875.
6. Section 895.453 requires payment for chiropractic services from attorney contingency fees, provided that certain conditions are met. Do you want to include acupuncture administered by a chiropractor for purposes of that requirement?

Please do not hesitate to contact me with any questions.

Thank you.

Michael Gallagher
Legislative Attorney
Phone: (608) 267-7511
E-mail: michael.gallagher@legis.wisconsin.gov

Gallagher, Michael

From: Reader, Kirsten
Sent: Monday, October 21, 2013 3:55 PM
To: Gallagher, Michael
Subject: Changes to LRB - 3340/P1

Hi, Mike:

Just a few changes we'd like to make in regards to your drafter's note on LRB – 3340. Per your first question, we would like a 6-month delay. For the others, I think we're okay as written.

For the notes throughout the draft:

- On page 3, the note between lines 3 and 4, that's fine.
- On page 3, if we could delete lines 6-8.
- On page 3, the note after line 20 is fine.
- On page 4, the note after line 5 is consistent.
- On page 5, please add to the end of line 3, "..., or in the case of services rendered under s.446.023, an acupuncturist certified under Ch. 451."

With this redraft, I think we're comfortable with a /1.

Thanks,

Kirsten Reader
Research Assistant
Office of Representative Chad Weininger
125 West, State Capitol
608-266-5840 / Kirsten.Reader@legis.wisconsin.gov



File: 10/23 Soon
State of Wisconsin
2013 - 2014 LEGISLATURE Thanks



LRB-3340(P)
MPG:eev:ev

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1

1 **AN ACT** ^{reg'n} *to amend* 446.01 (2) (a), 446.03 (intro.), 446.03 (1), 446.04 (2), 446.04 (4),
2 446.05 (1) and 451.02 (1); and *to create* 440.08 (2) (a) 24a., 446.01 (1a), 446.01
3 (1b), 446.023 and 446.04 (6) of the statutes; **relating to:** chiropractor
4 registration to practice acupuncture.

Analysis by the Legislative Reference Bureau

Under current law, a person generally may not practice acupuncture in Wisconsin unless the person is an acupuncturist certified by the Department of Safety and Professional Services (DSPS). Under this bill, a chiropractor who is licensed for the practice of chiropractic by the Chiropractic Examining Board (board) may practice acupuncture without being certified by DSPS if the board registers the licensed chiropractor to practice acupuncture. Under the bill, the board may register a licensed chiropractor to practice acupuncture if the chiropractor does all of the following:

1. Applies to the board for registration to practice acupuncture.
2. Submits evidence satisfactory to the board that the licensed chiropractor has completed at least 100 hours of instruction in acupuncture at a college of chiropractic approved by the board or at an accredited college or university.
3. Successfully completes the acupuncture examination administered by the National Board of Chiropractic Examiners.
4. Pays a one-time registration fee of \$100.

Under the bill, once registered by the board to practice acupuncture, a licensed chiropractor must complete at least two hours of continuing education in acupuncture annually.

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 440.08 (2) (a) 24a. of the statutes is created to read:

2 440.08 (2) (a) 24a. Chiropractor registration to practice acupuncture:
3 December 15 of each even-numbered year.

4 **SECTION 2.** 446.01 (1a) of the statutes is created to read:

5 446.01 (1a) "Acupuncture" has the meaning given in s. 451.01 (1).

6 **SECTION 3.** 446.01 (1b) of the statutes is created to read:

7 446.01 (1b) "Acupuncturist" has the meaning given in s. 451.01 (2).

8 **SECTION 4.** 446.01 (2) (a) of the statutes is amended to read:

9 446.01 (2) (a) To examine into the fact, condition, or cause of departure from
10 complete health and proper condition of the human; to treat without the use of drugs
11 as defined in s. 450.01 (10) or surgery; to counsel; to practice acupuncture if the
12 acupuncturist is registered under s. 446.023; to advise for the same for the
13 restoration and preservation of health or to undertake, offer, advertise, announce,
14 or hold out in any manner to do any of the aforementioned acts, for compensation,
15 direct or indirect or in expectation thereof; and

16 **SECTION 5.** 446.023 of the statutes is created to read:

17 **446.023 Chiropractor registration to practice acupuncture. (1)**

18 DEFINITION. In this section, "licensed chiropractor" means a person who is licensed
19 by the examining board to engage in the practice of chiropractic.

off exempt + from registration under s. 446.023 (2) (b) 2.

1 (2) REGISTRATION REQUIRED. (a) Except as provided under par. (b), no licensed
2 chiropractor may practice acupuncture unless he or she is registered by the
3 examining board under this section.

****NOTE: I used registration instead of certification to minimize the potential for
confusion with the acupuncturist certification under ch. 451. Is that okay?

4 (b) No registration is required under this section for any of the following:

5 1. A licensed chiropractor who is an acupuncturist certified under ch. 451.

6 2. A licensed chiropractor who is assisting an acupuncturist registered under
7 this section or certified under ch. 451, under the direct supervision of the
8 acupuncturist.

9 2. 3. A licensed chiropractor who practices acupuncture as part of a supervised
10 course of study or residency program in acupuncture that is approved by the
11 examining board.

****NOTE: I borrowed subds. 2. and 3. for the most part from the exclusions under
s. 451.02 (2) and (3). Are these exclusions consistent with your intent?

12 (c) The examining board shall register a licensed chiropractor under this
13 section who does all of the following:

14 1. Submits an application for registration to the examining board on a form
15 provided by the examining board.

16 2. Submits evidence satisfactory to the examining board that the licensed
17 chiropractor has completed at least 100 hours of instruction in acupuncture at a
18 college of chiropractic approved by the examining board or at a college or university
19 accredited by an accrediting agency that is recognized by the secretary of the federal
20 department of education.

****NOTE: Rather than using language indicating the college of chiropractic must
have students currently eligible to take the chiropractic examination administered by the
National Board of Chiropractic Examiners, I used language that mirrors s. 446.02 (2) (b)
2. ("Has graduated from a college of chiropractic approved by the examining board."). Is
that change okay?

1 3. Successfully completes the acupuncture examination administered by the
2 National Board of Chiropractic Examiners.

3 4. Pays a registration fee of \$100.

4 (3) REGISTRATION RENEWAL. (a) The renewal date for a registration under this
5 section is specified under s. 440.08 (2) (a). There is no renewal fee.

****NOTE: I did not include a renewal fee because the drafting instructions specify
that the \$100 initial registration fee is a "one-time" fee. Is the absence of a renewal fee
consistent with your intent?

6 (b) A licensed chiropractor registered under this section shall, at the time that
7 he or she applies for renewal of a registration under par. (a), submit evidence
8 satisfactory to the examining board that he or she has completed at least 2 hours
9 annually of continuing education in an acupuncture-related program approved by
10 the examining board under s. 446.028.

11 SECTION 6. 446.03 (intro.) of the statutes is amended to read:

12 **446.03 Reprimand; revocation, limitation, or suspension of a license or**
13 **certificate.** (intro.) The examining board, by order, may reprimand a licensee,
14 certificate holder, or registrant and may deny, limit, suspend or revoke any license,
15 certificate, or ~~certificate of registration~~ if the licensee, certificate holder, or registrant
16 does any of the following:

17 SECTION 7. 446.03 (1) of the statutes is amended to read:

18 446.03 (1) Obtains the license, certificate, or ~~certificate of registration~~ through
19 error or fraud.

20 SECTION 8. 446.04 (2) of the statutes is amended to read:

21 446.04 (2) Loaning of a chiropractic license or certificate, or of a registration
22 issued under s. 446.023, to anyone.

23 SECTION 9. 446.04 (4) of the statutes is amended to read:

1 446.04 (4) Splitting or dividing any fee for chiropractic service/including a
 2 service rendered under s. 446.023, with any person except an associate licensed
 3 chiropractor

4 SECTION 10. 446.04 (6) of the statutes is created to read:

5 446.04 (6) Use of unsanitary or unsafe acupuncture equipment.

6 SECTION 11. 446.05 (1) of the statutes is amended to read:

7 446.05 (1) Subject to the rules promulgated under s. 440.03 (1), the examining
 8 board may make investigations and conduct hearings in regard to the conduct of any
 9 licensed chiropractor who, it has reason to believe, violated s. 446.02, 446.023, or
 10 446.03. The person complained against may proceed to review any action of the
 11 examining board under ch. 227.

12 SECTION 12. 451.02 (1) of the statutes is amended to read:

13 451.02 (1) An individual holding a license, permit, registration, or certificate
 14 under ch. 441, 446, 447, 448, or 449 who engages in a practice of acupuncture that
 15 is also included within the scope of his or her license, permit, registration, or
 16 certificate.

17

Insert 5-16

an acupuncture

(END)

~~pursuant to~~

1 or 1 for 2 service provided under s. 446.023; an
 acupuncturist certified under ch. 451

**2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3340/lins
MPG:eev:ev

1 INSERT 5-16

2 **SECTION 1. Effective date.**

3 (1) This act takes effect on *the* first day of the 7th month beginning after
4 publication.

5 END INSERT 5-16

Parisi, Lori

From: Reader, Kirsten
Sent: Thursday, October 31, 2013 11:01 AM
To: LRB.Legal
Subject: Draft Review: LRB -3340/1 Topic: Acupuncture certificate for chiropractors

Please Jacket LRB -3340/1 for the ASSEMBLY.

Gallagher, Michael

From: Zikmund, Alison
Sent: Monday, January 27, 2014 2:31 PM
To: Kovach, Robert; Gallagher, Michael
Subject: RE: Draft review: LRB -3903/P2 Topic: Acupuncture registration for chiropractors

Mike,
Will you please jacket the p2 version for the assembly and send it to us? Thanks.

Alison Zikmund
Office of Rep. Chad Weininger
(608) 266-1184

From: Kovach, Robert
Sent: Monday, January 27, 2014 2:28 PM
To: Zikmund, Alison; Gallagher, Michael
Subject: FW: Draft review: LRB -3903/P2 Topic: Acupuncture registration for chiropractors

Let's make this happen!

Mike can you re-jacket 3903 with the p2 language for us? Thanks!

Thank you for all of the work you put into P3, but it was a problem for the insurers. The way you did P2 was just what was needed.

Rob Kovach

Policy Advisor/Committee Clerk
Office of Senator Frank Lasee
(608) 266-3512

From: THOMAS MOORE [<mailto:temoore@tmga.us>]
Sent: Monday, January 27, 2014 2:23 PM
To: Kovach, Robert
Subject: Re: Draft review: LRB -3903/P2 Topic: Acupuncture registration for chiropractors

Rob:

Ok - WCA can support P2.

Can you have it introduced?

Thanks.

Tom

On Jan 27, 2014, at 11:49 AM, Kovach, Robert <Robert.Kovach@legis.wisconsin.gov> wrote:



Rob Kovach

Policy Advisor/Committee Clerk
Office of Senator Frank Lasee
(608) 266-3512

From: Gallagher, Michael
Sent: Friday, January 10, 2014 7:38 AM
To: Kovach, Robert
Subject: FW: Draft review: LRB -3903/P2 Topic: Acupuncture registration for chiropractors

Rob: Thanks for stopping by yesterday afternoon. I was actually on my way out. You mentioned bringing a jacket back. Do you want me to take this to a /1, and dump the old jacket, or do you want me to redraft the earlier jacketed draft (3828/1), which would take that one to a /2?

Thanks.

Mike

Mike Gallagher
Attorney
Wisconsin Legislative Reference Bureau
(608) 267-7511

From: LRB.Legal
Sent: Thursday, January 09, 2014 3:33 PM
To: Gallagher, Michael
Subject: Draft review: LRB -3903/P2 Topic: Acupuncture registration for chiropractors

Draft Requester: Sen. Frank Lasee

Following is the PDF version of draft LRB -3903/P2.

<13-3903_P2.pdf>



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-3903/P2
MPG:eev:jm

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT** *to amend* 446.01 (2) (a), 446.03 (intro.), 446.03 (1), 446.04 (2), 446.04 (4),
2 446.05 (1) and 451.02 (1); and *to create* 440.08 (2) (a) 24a., 446.01 (1a), 446.01
3 (1b), 446.023, 446.04 (6) and 632.87 (3) (d) of the statutes; **relating to:**
4 chiropractor registration to practice acupuncture, fee-splitting with a
5 nonchiropractor acupuncturist, and requiring the exercise of rule-making
6 authority.

Analysis by the Legislative Reference Bureau

Under current law, a person generally may not practice acupuncture in Wisconsin unless the person is an acupuncturist certified by the Department of Safety and Professional Services (DSPS). Under this bill, a chiropractor who is licensed for the practice of chiropractic by the Chiropractic Examining Board (board) may practice acupuncture without being certified by DSPS if the board registers the licensed chiropractor to practice acupuncture. Under the bill, the board may register a licensed chiropractor to practice acupuncture if the chiropractor does all of the following:

1. Applies to the board for registration to practice acupuncture.
2. Submits evidence satisfactory to the board that the licensed chiropractor has completed at least 100 hours of instruction in acupuncture at a college of chiropractic approved by the board or at an accredited college or university.
3. Successfully completes the acupuncture examination administered by the National Board of Chiropractic Examiners.

4. Pays a one-time registration fee of \$100.

Under the bill, once registered by the board to practice acupuncture, a licensed chiropractor must complete at least two hours of continuing education in acupuncture annually.

Also under current law, a licensed chiropractor may not split a fee for a chiropractic service with another person unless that person is also a licensed chiropractor. The bill authorizes a chiropractor to split a fee for a chiropractic service with an acupuncturist certified by DSPS.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 440.08 (2) (a) 24a. of the statutes is created to read:

2 440.08 (2) (a) 24a. Chiropractor registration to practice acupuncture:
3 December 15 of each even-numbered year.

4 **SECTION 2.** 446.01 (1a) of the statutes is created to read:

5 446.01 (1a) "Acupuncture" has the meaning given in s. 451.01 (1).

6 **SECTION 3.** 446.01 (1b) of the statutes is created to read:

7 446.01 (1b) "Acupuncturist" has the meaning given in s. 451.01 (2).

8 **SECTION 4.** 446.01 (2) (a) of the statutes is amended to read:

9 446.01 (2) (a) To examine into the fact, condition, or cause of departure from
10 complete health and proper condition of the human; to treat without the use of drugs
11 as defined in s. 450.01 (10) or surgery; to counsel; to practice acupuncture if the
12 acupuncturist is registered under s. 446.023; to advise for the same for the
13 restoration and preservation of health or to undertake, offer, advertise, announce,
14 or hold out in any manner to do any of the aforementioned acts, for compensation,
15 direct or indirect or in expectation thereof; and

16 **SECTION 5.** 446.023 of the statutes is created to read:

446.023 Chiropractor registration to practice acupuncture. (1)

DEFINITION. In this section, "licensed chiropractor" means a person who is licensed by the examining board to engage in the practice of chiropractic.

(2) REGISTRATION REQUIRED. (a) Except as provided under par. (b), no licensed chiropractor may practice acupuncture unless he or she is registered by the examining board under this section.

(b) No registration is required under this section for any of the following:

1. A licensed chiropractor who is an acupuncturist certified under ch. 451.

2. A licensed chiropractor who practices acupuncture as part of a supervised course of study or residency program in acupuncture that is approved by the examining board.

(c) The examining board shall register a licensed chiropractor under this section who does all of the following:

1. Submits an application for registration to the examining board on a form provided by the examining board.

2. Submits evidence satisfactory to the examining board that the licensed chiropractor has completed at least 100 hours of instruction in acupuncture at a college of chiropractic approved by the examining board or at a college or university accredited by an accrediting agency that is recognized by the secretary of the federal department of education.

3. Successfully completes the acupuncture examination administered by the National Board of Chiropractic Examiners.

4. Pays a registration fee of \$100.

(3) REGISTRATION RENEWAL. (a) The renewal date for a registration under this section is specified under s. 440.08 (2) (a). There is no renewal fee.

(b) A licensed chiropractor registered under this section shall, at the time that he or she applies for renewal of a registration under par. (a), submit evidence satisfactory to the examining board that he or she has completed at least 2 hours annually of continuing education in an acupuncture-related program approved by the examining board under s. 446.028.

(4) RULES. The examining board shall promulgate rules to implement this section. The rules promulgated under this subsection shall incorporate the rules of the department promulgated under s. 451.12.

SECTION 6. 446.03 (intro.) of the statutes is amended to read:

446.03 Reprimand; revocation, limitation, or suspension of a license or certificate. (intro.) The examining board, by order, may reprimand a licensee, certificate holder, or registrant and may deny, limit, suspend or revoke any license, certificate, or ~~certificate of registration~~ if the licensee, certificate holder, or registrant does any of the following:

SECTION 7. 446.03 (1) of the statutes is amended to read:

446.03 (1) Obtains the license, certificate, or ~~certificate of registration~~ through error or fraud.

SECTION 8. 446.04 (2) of the statutes is amended to read:

446.04 (2) Loaning of a chiropractic license or certificate, or of a registration issued under s. 446.023, to anyone.

SECTION 9. 446.04 (4) of the statutes is amended to read:

446.04 (4) Splitting or dividing any fee for chiropractic service with any person except an associate licensed chiropractor or an acupuncturist certified under ch. 451.

SECTION 10. 446.04 (6) of the statutes is created to read:

446.04 (6) Use of unsanitary or unsafe acupuncture equipment, contrary to the rules promulgated under s. 446.023 (4).

SECTION 11. 446.05 (1) of the statutes is amended to read:

446.05 (1) Subject to the rules promulgated under s. 440.03 (1), the examining board may make investigations and conduct hearings in regard to the conduct of any licensed chiropractor who, it has reason to believe, violated s. 446.02, 446.023, or 446.03. The person complained against may proceed to review any action of the examining board under ch. 227.

SECTION 12. 451.02 (1) of the statutes is amended to read:

451.02 (1) An individual holding a license, permit, registration, or certificate under ch. 441, 446, 447, 448, or 449 who engages in a practice of acupuncture that is also included within the scope of his or her license, permit, registration, or certificate.

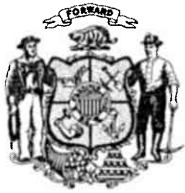
SECTION 13. 632.87 (3) (d) of the statutes is created to read:

632.87 **(3)** (d) Paragraphs (a) and (b) do not apply to a licensed chiropractor's practice of acupuncture within the scope of a registration issued under s. 446.023.

SECTION 14. Effective date.

(1) This act takes effect on the first day of the 7th month beginning after publication.

(END)



2013 BILL

D-Note

3340/2

regen

1 AN ACT ^{regen} *to amend* 446.01 (2) (a), 446.03 (intro.), 446.03 (1), 446.04 (2), 446.04 (4),
2 446.05 (1) and 451.02 (1); and *to create* 440.08 (2) (a) 24a., 446.01 (1a), 446.01
3 (1b), 446.023, 446.04 (6) and 632.87 (3) (d) of the statutes; **relating to:**
4 chiropractor registration to practice acupuncture, fee-splitting with a
5 nonchiropractor acupuncturist, and requiring the exercise of rule-making
6 authority.

granting

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Under current law, a person generally may not practice acupuncture in Wisconsin unless the person is an acupuncturist certified by the Department of Safety and Professional Services (DPS). Under this bill, a chiropractor who is licensed for the practice of chiropractic by the Chiropractic Examining Board (board) may practice acupuncture without being certified by DPS if the board registers the licensed chiropractor to practice acupuncture. Under the bill, the board may register a licensed chiropractor to practice acupuncture if the chiropractor does all of the following:

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3. Successfully completes the acupuncture examination administered by the National Board of Chiropractic Examiners.

BILL

4. Pays a one-time registration fee of \$100.

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2 440.08 (2) (a) 24a. Chiropractor registration to practice acupuncture:
3 December 15 of each even-numbered year.

4 **SECTION 2.** 446.01 (1a) of the statutes is created to read:

5 446.01 (1a) “Acupuncture” has the meaning given in s. 451.01 (1).

6 **SECTION 3.** 446.01 (1b) of the statutes is created to read:

7 446.01 (1b) “Acupuncturist” has the meaning given in s. 451.01 (2).

8 **SECTION 4.** 446.01 (2) (a) of the statutes is amended to read:

9 446.01 (2) (a) To examine into the fact, condition, or cause of departure from
10 complete health and proper condition of the human; to treat without the use of drugs
11 as defined in s. 450.01 (10) or surgery; to counsel; to practice acupuncture if the
12 acupuncturist is registered under s. 446.023; to advise for the same for the
13 restoration and preservation of health or to undertake, offer, advertise, announce,
14 or hold out in any manner to do any of the aforementioned acts, for compensation,
15 direct or indirect or in expectation thereof; and

16 **SECTION 5.** 446.023 of the statutes is created to read:

BILL**446.023 Chiropractor registration to practice acupuncture. (1)**

DEFINITION. In this section, “licensed chiropractor” means a person who is licensed by the examining board to engage in the practice of chiropractic.

(2) REGISTRATION REQUIRED. (a) Except as provided under par. (b), no licensed chiropractor may practice acupuncture unless he or she is registered by the examining board under this section.

(b) No registration is required under this section for any of the following:

1. A licensed chiropractor who is an acupuncturist certified under ch. 451.
2. A licensed chiropractor who practices acupuncture as part of a supervised course of study or residency program in acupuncture that is approved by the examining board.

(c) The examining board shall register a licensed chiropractor under this section who does all of the following:

1. Submits an application for registration to the examining board on a form provided by the examining board.
2. Submits evidence satisfactory to the examining board that the licensed chiropractor has completed at least 100 hours of instruction in acupuncture at a college of chiropractic approved by the examining board or at a college or university accredited by an accrediting agency that is recognized by the secretary of the federal department of education.
3. Successfully completes the acupuncture examination administered by the National Board of Chiropractic Examiners.
4. Pays a registration fee of \$100.

(3) REGISTRATION RENEWAL. (a) The renewal date for a registration under this section is specified under s. 440.08 (2) (a). There is no renewal fee.

BILL**SECTION 5**

1 (b) A licensed chiropractor registered under this section shall, at the time that
2 he or she applies for renewal of a registration under par. (a), submit evidence
3 satisfactory to the examining board that he or she has completed at least 2 hours
4 annually of continuing education in an acupuncture-related program approved by
5 the examining board under s. 446.028.

6 (4) RULES. The examining board shall promulgate rules to implement this
7 section. The rules promulgated under this subsection shall incorporate the rules of
8 the department promulgated under s. 451.12.

9 **SECTION 6.** 446.03 (intro.) of the statutes is amended to read:

10 **446.03 Reprimand; revocation, limitation, or suspension of a license or**
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BILL

446.04 (6) Use of unsanitary or unsafe acupuncture equipment, contrary to the rules promulgated under s. 446.023 (4).

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446.05 (1) Subject to the rules promulgated under s. 440.03 (1), the examining board may make investigations and conduct hearings in regard to the conduct of any licensed chiropractor who, it has reason to believe, violated s. 446.02, 446.023, or 446.03. The person complained against may proceed to review any action of the examining board under ch. 227.

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451.02 (1) An individual holding a license, permit, registration, or certificate under ch. 441, 446, 447, 448, or 449 who engages in a practice of acupuncture that is also included within the scope of his or her license, permit, registration, or certificate.

SECTION 13. 632.87 (3) (d) of the statutes is created to read:

632.87 (3) (d) Paragraphs (a) and (b) do not apply to a licensed chiropractor's practice of acupuncture within the scope of a registration issued under s. 446.023.

SECTION 14. Effective date.

(1) This act takes effect on the first day of the 7th month beginning after publication.

(END)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

date

LRB-~~828~~3dn

MPG:eev:jm

3340/2 dn

Alison Zikmund

Rob Kovach

2013

This draft is identical to LRB-3903/P2, except that this draft contains a technical change to the relating clause.

Please let me know if you have any questions.

Thank you.

Michael Gallagher
Legislative Attorney
Phone: (608) 267-7511
E-mail: michael.gallagher@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3340/2dn
MPG:eev:jf

January 28, 2014

Alison Zikmund:

This draft is identical to 2013 LRB-3903/P2, except that this draft contains a technical change to the relating clause.

Please let me know if you have any questions.

Thank you.

Michael Gallagher
Legislative Attorney
Phone: (608) 267-7511
E-mail: michael.gallagher@legis.wisconsin.gov

Barman, Mike

From: LRB.Legal
To: Rep.Weininger
Subject: Draft review: LRB -3340/2 Topic: Acupuncture certificate for chiropractors
Attachments: 13-3340/2; DraftersNote1

State of Wisconsin - Legislative Reference Bureau
One East Main Street - Suite 200 - Madison

The attached draft was prepared at your request. Please review it carefully to ensure that it satisfies your intent. If you have any questions concerning the draft or would like to have it redrafted, please contact Michael Gallagher, Legislative Attorney, at (608) 267-7511, at michael.gallagher@legis.wisconsin.gov, or at One East Main Street, Suite 200.

If you wish to introduce this draft in both houses please contact the drafting attorney to have a companion bill drafted.

We will re-jacket this draft for the Assembly and send it (by page) to your office today.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will submit a request to DOA when the draft is introduced. You may obtain a fiscal estimate on the draft prior to introduction by contacting our program assistants at LRB.Legal@legis.wisconsin.gov or at (608) 266-3561. If you requested a fiscal estimate on an earlier version of this draft and would like to obtain a fiscal estimate on the current version before it is introduced, you will need to request a revised fiscal estimate from our program assistants.

Please call our program assistants at (608) 266-3561 if you have any questions regarding this email.